



# COUNTY OF SISKIYOU Department of Agriculture

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## **SISKIYOU COUNTY DEPARTMENT OF AGRICULTURE PESTICIDE USE ENFORCEMENT PROGRAM PLAN Years 2011, 2012, 2013**

### **INTRODUCTION**

Limited resources will require the Siskiyou County Agriculture Department to prioritize activities based on a risk assessment basis. The three core program elements will be incorporated into the pesticide use enforcement program plan. Although presented as a multi-year work plan, the Siskiyou County Agriculture Department will continue to do an annual evaluation of inspections and investigations. In addition, the Siskiyou County Agriculture Department reserves the right to make changes in the work plan, throughout the year, as conditions and needs of the Agriculture Department change.

### **PESTICIDE USE ENFORCEMENT PROGRAM PLAN GOALS:**

Siskiyou County will maintain a viable system of restricted materials permitting, compliance monitoring, and enforcement response that is of mutual benefit to the agricultural community, the environment, and the public while continuing to abide by pesticide use Laws and Regulations. The Agriculture Department will promote an atmosphere of respect and understanding that will benefit both the public and permittees.

### **PESTICIDE USE ENFORCEMENT PROGRAM PLAN CHALLENGES AND RESOURCES:**

The Siskiyou County Agriculture Department has limited resources in staffing, data processing and funding. One pesticide use enforcement (PUE) Inspector, with pesticide program management responsibility, is in the Yreka office and the other is in the Tulelake satellite office, on the east side of the county (100 miles from the main office). The inspectors in charge of PUE work also have other agricultural program responsibilities. Each office has a  $\frac{3}{4}$  time inspector for permit evaluation and issuance, impairing the inspector's ability to be in the field conducting site and pre-application site monitoring activities. Siskiyou County is a large county with four valleys (Scott Valley, Shasta Valley, Butte Valley and the Klamath Basin), where much of the farming and ranching is located. Each valley is surrounded by rugged mountain ranges and one may encounter inclement weather and adverse driving conditions making travel difficult and time consuming.

Siskiyou County is not the only county that has budget deficits, but it is a problem that hinders our ability to fulfill all agriculture, weights & measures and PUE program responsibilities. The Siskiyou County Agriculture Department budget is currently impaired by cuts affecting training,

travel (including rising fuel costs) and equipment maintenance. Despite the circumstances described above, the Siskiyou County Department of Agriculture will provide a quality pesticide program to comply with the requirements of the California Environmental Quality Act (CEQA).

### **RESTRICTED MATERIALS PERMITTING PLAN:**

#### **Permit Evaluation:**

When a restricted materials permit is issued or amended, it is evaluated for potentially sensitive areas near the pesticide application sites. Examples of sensitive areas include, but are not limited to: residences, schools, parks, other sensitive crops, wildlife and listed endangered species. When addressing listed endangered species, the inspectors assist permittees to make use of DPR's website and recommended mitigation measures, as appropriate. This includes informing permittees about DPR's Pesticide Regulation's Endangered Species Custom Real-time Internet Bulletin Engine (PRESCRIBE).

Since January 1, 2006, the Yreka office has used the Agriculture GIS program to issue Restricted Materials Permits and Operator Identification Numbers. The digitizing of field boundaries on aerial photographs has increased the ability of the issuing inspector to evaluate the permit at the time of issuance and assist the inspector in the field to locate sites while conducting inspections. The ability to access this information when the permittee is present, in addition to having the information linked to the permitting program and the mapping program at the same time, is extremely beneficial.

During the fall of 2009, the Yreka office converted to the Agriculture GIS 3.2 program. The conversion went smoothly. Most of the data in the original Agriculture GIS program converted to the new program automatically. Time was required to enter some data and to update the digitized maps in the new program. The Tulelake office elected not to expend substantial man hours converting to the Agriculture GIS 3.2 program, which will be phased out by the new Statewide Environ permitting program that will be implemented in 2011.

The Siskiyou County Agriculture Department will be implementing the new Statewide Environ program in 2011. It is unknown, at this time, how much additional time will be required to convert from the old system to the new one. The conversion of the Tulelake office data will be more time consuming, due to the fact that all of the Tulelake office's permit information is processed solely on the DOS based DataFlex database program. All of the properties served by the Tulelake office will need to have digitized maps created on aerial photographs, just as the Yreka office did in 2006.

Siskiyou County has a number of Groundwater Protection Areas (GPA). The amount of "6800(a) pesticides" applied in the entire county is minimal. Each permit is evaluated, at the time of issuance, to determine if any of the "6800(a) pesticides" will be applied to land within the GPAs. The permittees are informed of the GPAs, and if they intend to apply "6800(a) pesticides", mitigation measures (one or more of the measures outlined in the Code of Regulations) are discussed and the permits are conditioned accordingly. Here, again, PRESCRIBE is utilized in order to help permittees make informed decisions regarding mitigation measures in GPAs.

Pesticide handlers (permittees and pest control businesses, including agricultural and structural) are among those most likely to experience pesticide exposure. The Agriculture Department has identified this group as high risk. Siskiyou County issues many permits (small farms, small businesses, schools, parks, recreation areas and the general public) where the owner/operator/manager is responsible for various tasks including pesticide applications. Individual contact (during permit issuance and on-site inspections) and continuing education (Annual Pest Management Seminars in Yreka and Tulelake) have been the most efficient means of information dissemination.

Continuing education seminars provide an excellent opportunity to maximize resource utilization and reach many pesticide applicators. With the cooperation of several local businesses and professional organizations, Siskiyou County has been providing high quality continuing education programs. This cooperation allows us to offer the seminars free of charge to attendees. The seminars provide current, pertinent information specific to our region, including new laws and regulations presented by high-quality speakers, which has increased meeting attendance. The meetings also provide another opportunity for individual contact with local growers and license holders.

Employee safety and use of personal protective equipment (PPE) will remain a high priority. In instances where a permittee has employees and/or field workers, the county provides many opportunities for the permit holder to become informed and comply with employee and worker safety requirements. Information opportunities include: restricted material permit and operator ID issuing and amendment process, annual grower/applicator meetings, youth contact (agricultural days, classroom visits) and general public contact (county fair, newspaper, radio, county weed tour, etc.).

### **Site Monitoring Plan:**

The Department will maintain a high response level to sensitive areas (at least 5% pre-application site inspections to fulfill CEQA equivalency requirements). This includes sites identified at issuance or amendments of restricted material permits, notices of intent and complaints received. Priorities for site monitoring inspections include, but are not limited to: areas where pesticide applications pose a potential risk to people, animals and/or the environment, crops, listed endangered species and habitat, schools, parks, specific pesticides (Vapam, Telone, Methyl Bromide, Methyl Iodide) and the National Wildlife Refuge in Tulelake. Mitigation measures are implemented, as needed.

### **COMPLIANCE MONITORING:**

#### **Compliance Monitoring Plan:**

The site monitoring plan sets the stage for compliance monitoring. Sensitive sites identified in the site monitoring plan will be a priority when planning for use monitoring inspections.

Effective and comprehensive compliance monitoring is a priority in Siskiyou County. The Agriculture Department realizes that it is essential to assure the safety of pesticide handlers, fieldworkers, the public, and the environment. The compliance monitoring plan includes pesticide use and records inspections, episode and complaint investigations and surveillance. Structural, industrial, business, home owner and other non-agricultural application inspections are conducted, when possible, for their potential impact to sensitive areas. Structural, industrial, business, home owner and non-agricultural sites are the areas where a majority of pesticide complaints, incidents (including anti-microbial) and investigations originate. Non-compliances, not corrected at the time of inspection, and violations will receive timely inspection priority for follow-up compliance and enforcement actions.

### **Comprehensive Inspection Plan:**

The Siskiyou County Agriculture Department will continue to conduct random inspections throughout Siskiyou County, (including sensitive sites that have been previously identified). Many of the pesticides used in Siskiyou County are non-restricted. However, due to their potential toxicity to various sensitive sites, compliance monitoring is needed to help assure safe and legal use of these products. Inspectors must be familiar with pest management practices to know when specific pests are being targeted with pesticides that do not require an NOI. Surveillance often leads to opportunities for inspections which help to assure pesticide use compliance.

The Siskiyou County Agriculture Department will encourage inspector training and cooperative inspections with the DPR Enforcement Branch Liaison. Training is important to ensure that PUE inspectors are using a uniform process consistent with State guidelines. The Pesticide Use Enforcement Program Standards Compendium is the primary reference tool for inspectors.

### **Episode Investigation and Complaint Response Plan:**

The Siskiyou County Agriculture Department will conduct investigations, and complete and submit reports in a timely, accurate and thorough manner. Investigations, for the rare priority episode in Siskiyou County, will be initiated within two working days of notification. Preliminary update reports will be submitted to DPR within 15 days of the original notification and completed priority investigation reports will be submitted within 60 days. Non-priority investigations will be given appropriate, timely attention and will be submitted to DPR within 120 days.

Investigations will follow the Enforcement Response Plan and Pesticide Use Enforcement Program Standards Compendium. Each investigation will follow the same initial steps that include, but are not limited to: interview the complainant and/or the injured and determine whether a violation has occurred. If a violation has occurred, then we will identify and locate the violator and collect and organize the evidence to prove his/her culpability for the violation. A thorough report will be prepared considering all the evidence and information gathered during the course of the investigation.

The Siskiyou County Agriculture Department will create and maintain an Incident/Complaint log, which will be made readily available to our assigned Enforcement Branch Liaison. The log will include the following:

1. County name
2. Month of the incident/complaint
3. Tracking number or file name
4. Pesticide(s) used
5. Type of episode
6. Location of the episode, within the County
7. Violations, if any
8. Date the investigation was closed

### **ANNUAL GOALS:**

Application Inspections (Non-Fumigation)	50
Field Worker Safety Inspections	10
Mix/Load Inspections	15
Field Fumigation Monitoring Inspections	25
Headquarter/Employee Safety Records Inspections	6
Pest Control Business Record Inspections	2
Pest Control Dealer Record Inspections	2
Agricultural Pest Control Advisor Record Inspections	1
Pre-Application Site Inspections	5% of NOI's

### **ENFORCEMENT RESPONSE:**

The Siskiyou County Agriculture Department is committed to assuring enforcement response to violations is fair, consistent and timely. The enforcement staff realizes the necessity of maintaining a climate that compels all pesticide users to comply with the law through education, presence and enforcement actions.

The Siskiyou County Agriculture Department will continue to identify repeat violators and non-compliance situations. The Agriculture Department will also explore why non-compliances occurred, by identifying risk, violation history, pesticide episode occurrence, pesticide use activities, and develop a corrective plan with goals to measure the success for each situation and episode. Education and progressive discipline makes obtaining sustainable compliance more achievable.

The Agriculture Department considers all appropriate enforcement options consistent with Enforcement Regulations. The circumstances and significance of the situation, including progressive discipline, especially with repeat violators, is considered in each case. We will consult with our assigned Enforcement Branch Liaison as appropriate. When all options

available to the County have been exhausted, the case will be referred to the Department of Pesticide Regulation.

### **ADDITIONAL PESTICIDE PROGRAMS UNIQUE TO SISKIYOU COUNTY:**

#### **Agricultural Pesticide Container Recycling:**

Siskiyou County is currently in the seventh year of a pesticide container recycling program made possible by funding from the National Agricultural Container Recycling Council. Many permittees and pest control businesses have taken advantage of the program which provides an alternative (also cost savings) to the land fill and promotes proper container handling and disposal. The containers are stored in a small storage building which is locked and fully enclosed for safe storage of the triple rinsed pesticide containers. The containers are shredded and transported off site by the recycler.

#### **Pesticide Use In The Tulelake Area:**

Pesticides are applied on over 5, 000 acres of "Federal lease-lands" within the Tulelake and Lower Klamath National Wildlife Refuges. The Siskiyou County Agricultural Commissioner's office has taken an active advisory role in the development of Pesticide Use Proposals (PUPs) which serve as a guideline for the application of agricultural-use pesticides on crops in the Tulelake (Lower Klamath) basin. Continued cooperation will help ensure the agricultural use of this valuable resource.

Restricted Material Permits will be conditioned as appropriate to require adequate buffer zones from the treatment site to surface waters.

Pesticide use monitoring inspections (for both restricted and non-restricted pesticides) will be conducted on at least 25% of pesticide applications to assure that adequate buffers are maintained and that applications are performed in compliance with applicable Federal/State laws and PUPs. 100% use monitoring is required for some pesticide applications including Vapam, Telone and Methyl Iodide. Pre-application site inspections will be conducted on 50% of "Notices of Intent" received to apply these restricted materials.